



KEITH BRASWELL, et al.,)
)
 Plaintiffs,)
) **CIVIL ACTION NO. 2:07-CV-833**
 v.)
)
 RICHARD ALLEN, et al.,)
)
 Defendants.)

Come now Defendants Richard Allen, Commissioner of the Alabama Department of Corrections and Charles Hadley, former Warden at Red Eagle Honor Farm, to submit this motion respectfully requesting that either the Court set a new trial date and re-issue its Uniform Scheduling Order with its deadlines adjusted respectively, or, alternatively, grant the Defendants an additional ninety days for the filing of their dispositive motion. Counsel for Plaintiffs have reviewed a draft of this motion and have no objection to the motion being granted.¹

As grounds for this motion, Defendants submitted the following:

1) Defendants have recently substituted the undersigned new lead counsel, Bart Harmon, for former lead counsel, Tara Knee. Mr. Harmon only recently retained employment with the Legal Division of the Department of Corrections and did not enter an appearance until September 4, 2008. Ms. Knee left employment with the Department of Corrections in July of 2008, having transferred to the State Personnel Department.

¹ If the Court would prefer, Plaintiffs are willing to resubmit this motion as a joint motion.

2) Plaintiffs also plan to add new counsel, Michael R. White, to represent them in the prosecution of this matter.

3) Pursuant to the Court's current Uniform Scheduling Order, trial in this matter is set for January 12, 2009, and the deadline for dispositive motions is set for September 5, 2008.

4) Both Defendants and Plaintiffs anticipate the need for additional discovery to be completed which is necessary for Defendants to support their dispositive motion and for Plaintiffs to oppose the dispositive motion. This discovery cannot be completed prior to the dispositive motion deadline. The obtaining of this discovery will enable a more complete record to be developed and will assist the parties and the Court to more accurately determine which claims and defenses, if any, should proceed to trial and will prevent a wasting of resources – by both the parties and the Court.

5) No prior extensions of time have been requested by the parties or allowed by the Court.

6) The granting of this motion will not prejudice any party.

Wherefore, the premises considered, Defendants Richard Allen, Commissioner of the Alabama Department of Corrections and Charles Hadley, former Warden at Red Eagle Honor Farm, to submit this motion respectfully requesting that either the Court set a new trial date for a trial term in the Spring of 2009 and re-issue its Uniform Scheduling Order with its deadlines adjusted respectively, or, alternatively, grant the Defendants an additional ninety days for the filing of their dispositive motion. Plaintiffs' counsel has been consulted and does not oppose the granting of this motion.

Respectfully submitted,

Kim T. Thomas
General Counsel

/s/ Bart Harmon

Bart Harmon (HAR 127)

Assistant General Counsel

ADDRESS OF COUNSEL

Alabama Department of Corrections

Legal Division

301 South Ripley Street

P. O. Box 301501

Montgomery, Alabama 36130-1501

(334) 353- 4859

CERTIFICATE OF SERVICE

I do hereby certify that on the 4th day of September, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the following (or by U.S. Mail to the non-CM-ECF participants):

K. Anderson Nelms, Esq.
Law Offices of Jay Lewis, LLC
Attorney for the Plaintiffs
847 South McDonough Street, Suite 100
Montgomery, AL 36104

/s/ Bart Harmon

Bart Harmon (HAR 127)
Assistant General Counsel